

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

ROBERT K. HUDNALL,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CAUSE NO. EP-22-CV-36-KC-RFC
	§	
STATE OF TEXAS; CITY OF EL PASO, TEXAS; JUDGE SERGIO ENRIQUEZ; ALEJANDRO C. RAMIREZ; TYRONE SMITH d/b/a SMITH AND RAMIREZ RESTORATION LLC; GUY BLUFF; THE AMERICAN ARBITRATION ASSOCIATION; and EVANSTON INSURANCE COMPANY,	§	
	§	
	§	
Defendants.	§	
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

On this day, the Court considered the above-captioned case. On March 1, 2022, the Court referred this case to United States Magistrate Judge Robert F. Castaneda pursuant to 28 U.S.C. § 636(b) to hear all pre-trial matters. Order, ECF No. 19. On March 2, 2023, the Magistrate Judge filed a Report and Recommendation (“R&R”), ECF No. 72, assessing two pending motions and concluding that the Court should grant the Motion to Dismiss, ECF No. 62, filed by Defendants Alejandro C. Ramirez, Tyrone Smith, and Smith and Ramirez Restoration LLC (collectively, the “Roofers”), and that it should also grant the Motion to Dismiss, ECF No. 64, filed by Defendant City of El Paso (“City”). R&R 19.

Parties have fourteen days from service of a Report and Recommendation of a United

States Magistrate Judge to file written objections. *See* 28 U.S.C. § 636(b)(1)(C).¹ Over fourteen days have elapsed since Plaintiff was served with the R&R, and no objections have been filed.

See Certified Mail Receipt, ECF No. 75.

When parties do not file written objections, courts apply a “clearly erroneous, abuse of discretion and contrary to law” standard of review to a report and recommendation. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (“[T]he ‘clearly erroneous, abuse of discretion and contrary to law’ standard of review . . . is appropriate . . . where there has been no objection to the magistrate’s ruling.”); *Rodriguez v. Bowen*, 857 F.2d 275, 276–77 (5th Cir. 1988) (“[A] party is not entitled to de novo review of a magistrate’s finding and recommendations if objections are not raised in writing by the aggrieved party . . . after being served with a copy of the magistrate’s report.”). After reviewing the R&R, the Court agrees with the Magistrate Judge’s proposed findings of fact and conclusions of law and finds that they are neither clearly erroneous nor contrary to law. *See Wilson*, 864 F.2d at 1221.

Accordingly, the Court **ADOPTS** the R&R, ECF No. 72, in its entirety. The Court **ORDERS** that the Roofers’ Motion to Dismiss, ECF No. 62, is **GRANTED**.

IT IS FURTHER ORDERED that the City’s Motion to Dismiss, ECF No. 64, is **GRANTED**.

IT IS FURTHER ORDERED that all of Plaintiff’s claims against the Roofers and the City, the only remaining Defendants, are **DISMISSED**.

The Clerk shall close the case.

¹ Federal district courts conduct de novo review of those portions of a report and recommendation to which a party has objected. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge . . . shall make a de novo determination of those portions of the report . . . to which objection is made . . .”).

SO ORDERED.

SIGNED this 22nd day of March, 2023.



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE